THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15314 OF 2006

DATED: 25th July, 2006.

Between :

1. A. Harinatha Reddy and 2 others. … Petitioners

And

1. The Commissioner of Prohibition & Excise,
   Government of Andhra Pradesh, Hyderabad,
   And others. … Respondents

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ORDER:

The writ petitioners claim to be the licensees for sale of Indian Liquor and Foreign Liquor by shop under the provisions of the A.P. Excise (Lease of Right of Selling by shop and Conditions of Licence) Rules, 2005 (for short, 'the Rules'). It is stated that the petitioners have been granted licences in Ward Nos.9, 14 and 13 of Pulivendula Municipality of Kadapa district. The 5th respondent herein is also a licensee in respect of the shop in Ward No.21 of Pulivendula. It is alleged that the 5th respondent wanted to shift his licensed premises to Ward No.9 and accordingly made an application to the 1st respondent. It is contended that such shifting of the licensed premises is not permissible under the statutory rules and in case the 5th respondent is allowed to shift the premises, the petitioners would stand to suffer irretrievable injury. In the circumstances, though they made a representation dated 22-7-2006 requesting the 1st respondent not to permit the 5th respondent to shift his shop from Ward No.21 to Ward No.9 or Ward No.14, without considering the objections raised by the petitioners, the application of the 5th respondent is being processed by the respondents 1 to 4. Hence, this writ petition.

I have heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents 1 to 4.

The representation made by the petitioners herein was received

in the office of the 1st respondent on 22-7-2006. Since admittedly the petitioners are the licensees in respect of Ward Nos.9, 14 and 13 and it is their specific plea that only one shop in each of the said wards was notified, I am of the opinion that it is necessary for the 1st respondent to consider the objections raised by the petitioners.

Accordingly, without expressing any opinion as to the sustainability of the objections raised by the petitioners, the writ petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioners dated 22-7-2006 and pass appropriate orders in accordance with law with regard to the request made by the 5th respondent. It is made clear that the 5th respondent shall also be afforded an opportunity to putforth his version before passing the appropriate orders.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 25-7-2006
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